

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Robert MARTUZA *et al.*

Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS  
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS

Appl. No.: 10/748,233

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Examiner: Wu Cheng Winston Shen

Art Unit: 1632

Confirmation  
Number: 7116

**DECLARATION UNDER 37 CFR § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Samuel D. Rabkin, hereby declare that:

1. I am a co-inventor of U.S. patent application serial No. 10/748,233 ("the application"), which, I understand, was filed on December 31, 2003, and benefits from a priority date of June 23, 1994.

2. I received my Bachelor of Science in Biology from University of Toronto (Toronto, Canada) in 1976. In 1978, I received my Master of Science in Microbiology from Hebrew University of Jerusalem (Jerusalem, Israel). Since then I have worked in the area of herpes simplex virus and its application for treating cancer. In 1983 I received my Ph.D. in Microbiology from University of Chicago (Chicago, IL). I am currently an associate professor of the Harvard Medical School and an associate virologist of Massachusetts General Hospital.